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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/019,435 | 12/31/2001 | Gary R. Lister | | 4234 |
| 7590 | 08/23/2005 | | EXAMINER | |
| Clifford W Vermette Vermette & Co Box 40 Granville Square Suite 230-200 Granville Street Vancouver, BC V6C 1S4 CANADA | | | DUONG, THANH P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1764 | |
| | | | DATE MAILED: 08/23/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/019,435 | LISTER, GARY R. | |
| | Examiner | Art Unit | |
| | Tom P. Duong | 1764 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8,9,15 and 16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8,9,15 and 16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Applicant's remarks and amendments filed on April 20, 2005 have been carefully considered. Claims 1-7 and 10-14 have been canceled. Claim 8 has been amended. New claims 15-16 have been added. Claims 8-9 and 15-16 are pending in this application. Affidavits under 37CFR 1.132 filed on 4/20/05 has been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 8-9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz (3,549,300) in view of Condon (5,690,556) and Jackson (5,755,625). Pelz discloses a golf club comprising: index mark 28 perpendicular to the striking face, a plurality of index marks 42 or transverse marking aligning with index mark 28 (Figures 2-6, and Col. 3, lines 14-66), a grip 16 on one end, and toe portion 22 is remote from the grip. Pelz '300 discloses a golfer can properly aligned the club head by selecting one of the traverse marking (42') to align with index marker 28 but does not show a centerline marker that is vertically aligned with the desired area of putter to ball impact and a shaft crossing the plane wherein said plane bisects said putter head at said

centerline marker. Condon '556 shows a plurality of ball centering indicia 16 (centerline marker) on the top surface 12 to allow the golfer to align a golf ball with the sweet spot of the club head (Abstract and Col. 3, lines 37-44). Jackson makes it clear that the acute angle 18 is formed by the intersection of the axis of the shaft and a vertical line (b) drawn perpendicular to the sweet spot 15 or centerline marker as claimed (Fig. 1 and Col. 4, lines 47-55). Thus, it would have been obvious in view of Condon and Jackson to one having ordinary skill in the art to modify the golf putter of Pelz with centerline marker as taught by Condon and intersection of the axis of the shaft and vertical line drawn perpendicular to the sweet spot as taught by Jackson in order to provide a putter with proper alignment of the transverse marking with the centerline marker. With respect to the user's line of sight form a straight line perpendicular the putting surface that connects the user's eyes, the transverse marker and the centerline marker of said putter head ensuring the user's eyes are vertically over the centerline of said putter head, Pelz discloses the index mark 42' on the shaft is aligned with the index mark 28 or centerline marker of the putter head and the alignment is done "visually" by the golfer (Col. 4, lines 1-4).

Response to Arguments

Applicant's arguments filed 4/20/05 have been fully considered but they are not persuasive. Applicant submitted that "mere alignment of the transverse marking with the centerline marking is not at issue here". Applicant further argued that neither Pelz, Condon or Jackson discloses nor suggests the transverse marking and the centerline

marker are positioned so that the golfer's eyes are positioned over the ball as recited in claim 8. Examiner respectfully disagrees. Note, claim 8 recites the user's line of sight forms a perpendicular line that connect the user's eyes, the transverse marker and the centerline marker of the putter head not "the golfer's eyes are positioned over the ball". Pelz discloses the index mark 42' on the shaft is aligned with the index mark 28 or centerline marker of the putter head and the alignment is done "visually" (must have user's line of sight to align the index mark 42' with index mark 28) by the golfer (Col. 4, lines 1-4 and Fig. 5). Pelz appears to show a single index mark 28 on the surface of the putter near the heel portion 24. Condon shows a plurality of ball centering indicia 16 including centerline marker of the top surface 12 to allow the golfer to align a golf ball with the sweet spot. Jackson is cited to show the inherent feature (user's line of sight or "visually" as disclosed by Pelz) the perpendicular line form between the user's line of sight that connect the shaft in relation to the sweet spot 15 or centerline marker. Thus, the combination of Pelz in view of Condon and Jackson discloses the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
August 10, 2005
TD

(TJD)



Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700